

Notices of Proposed Rulemaking

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The proposed amendment to Section R4-19-311 is not expected to have an economic impact on any regulated entity, the Board, or small businesses. The Arizona State Board of Nursing licenses approximately 72,000 registered nurses and 11,000 practical nurses. Of these nurses approximately 72,062 hold compact RN or LPN licenses and 10,770 hold single state only licenses. Amending this rule will allow Arizona to remain in the Nurse Licensure Compact with 23 other states. The compact allows nurses residing in Arizona who hold a compact license to practice in all compact states. Failure to amend this rule could result in loss of this privilege and subsequent economic harm to nurses.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Pamela K. Randolph RN, MS
Associate Director of Education and Evidence-based Regulation

Address: 4747 N. 7th St., Suite 200
Phoenix, AZ 85014

Telephone: (602) 771-7803

Fax: (602) 771-7888

E-mail: prandolph@azbn.gov

10. The time, place, and nature of the proceedings to make, repeal or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

The Board will hold an oral proceeding on June 11, 2012 at 4:00 p.m. in the Board offices at 4747 N. 7th St., Suite 200, Phoenix, AZ 85014. The Board will accept written comments submitted to Pamela Randolph, Associate Director of Education and Evidence-based Regulation, 4747 N. 7th St., Suite 200, Phoenix, AZ 85014 until the close of record at 5:00 p.m. June 11, 2012.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following question:

There are no other matters prescribed by statute applicable to the Board or this specific class of rules.

a. Whether the rules requires a permit, whether a general permit is used and if not the reasons why a general permit is not used:

This rulemaking does not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rules is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of the federal law:

Federal law is not applicable to the subject of the rule.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

The material incorporated by reference is the "Nurse Licensure Compact Model Rules and Regulations" published August 4, 2008 by National Council of State Boards of Nursing (NCSBN), 111 E. Wacker Drive, Suite 2900, Chicago, IL 60601 and may be downloaded at <https://www.ncsbn.org/2539.htm>. This incorporation by reference is contained in R4-19-311.

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

ARTICLE 3. LICENSURE

Section
R4-19-311. Nurse Licensure Compact

ARTICLE 3. LICENSURE

R4-19-311. Nurse Licensure Compact

The Board shall implement A.R.S. §§ 32-1668 and 32-1669 according to the provisions of the Nurse Licensure Compact: Model Rules and Regulations, published by the National Council of State Boards of Nursing, Inc., 111 E. Wacker Dr., Suite 2900, Chicago, IL, 60601, www.ncsbn.org, ~~November 2, 1999~~ August 4, 2008, and no later amendments or editions, which is incorporated by reference and on file with the Board.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 38. BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS

Editor's Note: The following Notice of Proposed Rulemaking was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1092.)

[R12-60]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**

R4-38-201	Amend
R4-38-202	Amend
R4-38-203	New Section
R4-38-204	New Section
R4-38-205	New Section
R4-38-206	Amend
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statutes (specific):**

Authorizing statute: A.R.S. § 32-2904(B)(1)
Implementing statutes: A.R.S. § 32-2951, in particular A.R.S. § 32-2951(J)
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 17 A.A.R. 2385, November 25, 2011
- 4. The agency's contact person who can answer questions about the rulemaking:**

Name:	Christine Springer, Executive Director
Address:	Board of Homeopathic and Integrated Medicine Examiners 1400 W. Washington St., Suite 230 Phoenix, AZ 85007
Telephone:	(602) 542-8154
Fax:	(602) 542-3093
E-mail:	chris.springer@azhomeopathbd.az.gov
Web Site:	www.azhomeopathbd.az.gov
- 5. A justification and explanation of the reason why the rule is being made, amended, repealed or renumbered:**

The Board is amending, and adding Sections to Article 2 which concerns the dispensing of drugs by homeopathic physicians to address recommendations made during a 2008 performance audit.

The Board is amending Section R4-38-201 to add a definition for the term 'dispensing.' The Board is amending Section R4-38-202 to correct citations in subsection (A) related to definitions for non-prescription drugs and devices and defined in the Pharmacy Board Statutes. A subsection (C) is added to describe the initial permit procedure and the renewal procedure for dispensing homeopathic physicians. The Board is adding new Section R4-38-203 to describe procedures related to the storage, recordkeeping and maintenance of controlled substances and prescription-only drugs. A new Section R4-38-204 is added to describe procedures for prescribing and dispensing prescription-only drugs or devices, and controlled substances. The new Section describes information that is to be recorded in the patient's medical record and clarifies that controlled substances, prescription-only drugs, or prescription-only devices shall only be purchased from a manufacturer or distributor approved by the United States Food and Drug Administra-

Notices of Proposed Rulemaking

tion, or a pharmacy holding a current permit in Arizona. A new Section R4-38-205 is added to describe procedures for dispensing and prescribing homeopathic remedies or natural substances. Finally, the Board is amending Section R4-38-206 regarding packaging to clarify that the Section does not apply to homeopathic medications or natural substances.

6. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

7. **A showing of good cause why the rules are necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

8. **The preliminary summary of the economic, small business, and consumer impact:**

The rulemaking will have minimal economic impact relating to the Board's costs to prepare the rule. The Board estimates that there will be minimal or no economic impact to the public in as much as the rules are intended to clarify what is already required in federal law relating to the dispensing of drugs, particularly controlled substances.

The impact on the regulated entities is minimal. As indicated above, the rules describe in greater detail requirements already in effect to dispense drugs.

9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Christine Springer, Executive Director

Address: Board of Homeopathic and Integrated Medicine Examiners
1400 W. Washington St., Suite 230
Phoenix, AZ 85007

Telephone: (602) 542-8154

Fax: (602) 542-3093

E-mail: chris.springer@azhomeopathbd.az.gov

Web Site: www.azhomeopathbd.az.gov

10. **The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Persons may make written comments to the board by regular mail or e-mail by submitting them to the following physical address or e-mail address on the date indicated:

Date: June 12, 2012

Time: 5:00 p.m.

Address: 1400 W. Washington St., Suite 230
Phoenix, AZ 85007

E-mail: chris.springer@azhomeopathbd.az.gov

The rulemaking record will close at 5:00 p.m. on Tuesday, June 12, 2012.

11. **All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

None

- a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

In this rulemaking, Section R4-38-202 describes what information is needed from a licensee when filing an initial application for a dispensing permit or renewing a permit to dispense drugs and devices as described in A.R.S. § 32-2951. No new requirements have been added. The Board is simply listing in detail what is already required of the licensee.

- b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

The rulemaking conforms to federal law regarding what information is required from a licensee when dispensing controlled substances, prescription-only drugs, and homeopathic medications. The rules do not exceed federal requirements.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No individuals have submitted an analysis to the Board.

12. Incorporations by reference material as specified in A.R.S. § 41-1028 and their location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 38. BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS

ARTICLE 2. DISPENSING OF DRUGS BY HOMEOPATHIC PHYSICIANS

Sections

R4-38-201. Definitions

R4-38-202. General Provisions

R4-38-203. ~~Repealed~~ Storage, Recordkeeping and Maintenance

R4-38-204. ~~Repealed~~ Prescribing and Dispensing Requirements for Prescription-only Drugs or Devices, and Controlled Substances

R4-38-205. ~~Repealed~~ Prescribing and Dispensing Requirements for Homeopathic Remedies or Natural Substances

R4-38-206. Packaging

ARTICLE 2. DISPENSING OF DRUGS BY HOMEOPATHIC PHYSICIANS

R4-38-201. Definitions

In addition to the definitions in A.R.S. §§ 32-2901, 32-2933, and 32-2951, the following definitions apply in this Chapter:

1. "Administer" means the direct application of a controlled substance, prescription-only drug, dangerous drug as defined in A.R.S. § 13-3401, narcotic drug as defined in A.R.S. § 13-3401, homeopathic medication, natural substance, or non-prescription drug, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by a homeopathic physician, a homeopathic physician's nurse or assistant, or by the patient or research subject at a homeopathic physician's direction.
2. "Dispensing" means the prescribing, administering, packaging, labeling, and security to safeguard a drug or device for delivery by a homeopathic physician of a controlled substance, prescription-only drug, prescription-only device, homeopathic remedy, or natural substance to a patient for use outside the physician's office. Samples packaged for individual use by licensed manufacturers or repackagers of drugs are exempt.
- ~~2-3.~~ "Label" means a display of written, printed, or graphic matter on the immediate container of an article and, on the outside wrapper or container, if the display on the immediate wrapper or container is not easily legible through the outside wrapper.
- ~~3-4.~~ "Labeling" means all labels and other written, printed or graphic matter:
 - a. On an article or any of its containers or wrappers, and
 - b. Accompanying the article.
- ~~4-5.~~ "Manufacturer" means each person who prepares, derives, produces, compounds, processes, packages or repackages, or labels a drug in a place devoted to manufacturing the drug, but does not include a pharmacy, pharmacist, or physician.
- ~~5-6.~~ "Natural substance" means an herbal phytotherapeutic or oxygen, carbon, or nitrogen-based therapeutic agent, vitamin, mineral, or food-factor concentrate isolated from animal, vegetable, or mineral sources for nutritional augmentation.
- ~~6-7.~~ "Official compendium" means the latest revisions of the Pharmacopoeia of the United States and the Homeopathic Pharmacopoeia of the United States, the latest revision of the National Formulary, or any current supplement.
- ~~7-8.~~ "Packaging" means the act or process of placing a drug in a container to dispense or distribute the drug.
- ~~8-9.~~ "Pharmaceutical drug" means a drug intended for use in preventing or curing disease or relieving pain.

R4-38-202. General Provisions

- A. A homeopathic physician shall not dispense unless the physician obtains from the Board a permit to dispense. The physician may renew the permit annually at the same time the license is renewed. The physician shall include the following on the permit application or renewal form:
 1. The classes of drugs the physician will dispense, including controlled substances, pharmaceutical drugs, homeopathic medications, prescription-only drugs, natural substances and non prescription drugs defined in A.R.S. § ~~32-1901(46)~~

Notices of Proposed Rulemaking

- 32-1901(52) and devices defined in A.R.S. § 32-1901(18) 32-1901(20);
2. The location where the homeopathic physician will dispense; and
 3. A copy of the physician's current Drug Enforcement Administration (DEA) registration or an affidavit averring that the physician does not possess a DEA registration and that the physician will not prescribe or dispense controlled substances.
- B.** If a homeopathic physician determines that a shortage exists in a controlled substance maintained for dispensing, the physician shall immediately notify the Board, the local law enforcement agency, and the Department of Public Safety by telephone. The physician shall also provide written notification to the Board within seven days of the date of the discovery of the shortage.
- C.** A physician who wishes to dispense a controlled substance, a prescription-only drug, or a prescription-only device as defined in A.R.S. § 32-1901(75) shall be currently licensed to practice homeopathic medicine in Arizona and shall provide to the Board the following:
1. A completed registration form that includes the following information:
 - a. The physician's name, license number, and modality of practice;
 - b. A list of the types of drugs and devices the physician will dispense; and
 - c. The location or locations where the physician will dispense a controlled substance, a prescription-only drug, or a prescription-only device.
 2. A copy of the physician's current Drug Enforcement Administration Certificate of Registration for each dispensing location from which the physician will dispense a controlled substance.
 3. The fees required in A.R.S. § 32-2914.
- D.** A physician shall renew a registration to dispense a controlled substance, a prescription-only drug, a prescription-only device, a homeopathic medication or a natural substance by complying with the requirements in subsection (A) on or before the date of license renewal of each year. If a physician has made timely and complete application for the renewal of a registration, the physician may continue to dispense until the Board approves or denies the renewal application.
- E.** If the completed annual renewal form, required documentation, and the fee are not received in the Board's office on or before the date of license renewal, the physician shall not dispense any controlled substances, prescription-only drugs, prescription-only devices, homeopathic medication or natural substances until re-registered. The physician shall re-register by filing for initial registration under subsection (A) and shall not dispense a controlled substance, a prescription-only drug, a prescription-only device, homeopathic medication, or natural substances until receipt of the re-registration.

R4-38-203. Repealed Storage, Recordkeeping and Maintenance

- A.** A physician shall secure all controlled substances in a locked cabinet or room and shall control access to the cabinet or room by a written procedure that includes, at a minimum, designation of the persons who have access to the cabinet or room and procedures for recording requests for access to the cabinet or room. This written procedure shall be made available on demand to the Board or its authorized representatives for inspection or copying. Prescription-only drugs shall be stored so as not to be accessible to patients.
- B.** Controlled substances and prescription-only drugs not requiring refrigeration shall be maintained in an area where the temperature does not exceed 85° F.
- C.** A physician shall maintain an ongoing dispensing log for all controlled substances and the prescription-only drug nalbuphine hydrochloride (Nubain) dispensed by the physician. The dispensing log shall include the following:
1. A separate inventory sheet for each controlled substance and prescription-only drug;
 2. The date the drug is dispensed;
 3. The patient's name;
 4. The dosage, controlled substance and prescription-only drug name, strength, dosage, form, and name of the manufacturer;
 5. The number of dosage units dispensed;
 6. A running total of each controlled substance and prescription-only drug dispensed; and
 7. The signature of the physician written next to each entry.
- D.** A physician may use a computer to maintain the dispensing log required in subsection (C) if the log is quickly accessible through either on-screen viewing or printing of a copy.
- E.** This Section does not apply to a prepackaged manufacturer sample of a controlled substance and prescription-only drug, unless otherwise provided by federal law.
- F.** This Section does not apply to homeopathic medications or natural substances.

R4-38-204. Repeated Prescribing and Dispensing Requirements for Prescription-only Drugs or Devices, and Controlled Substances

- A.** A physician shall record on the patient's medical record the name, strength, dosage, and form, of the controlled substance, prescription-only drug, or prescription-only device dispensed, the quantity or volume dispensed, the date the controlled substance, prescription-only drug, or prescription-only device is dispensed, the medical reasons for dispensing the controlled substance, prescription-only drug, or prescription-only device, and the number of refills authorized.
- B.** Before dispensing a controlled substance, prescription-only drug, or prescription-only device to a patient, a physician shall review the prepared controlled substance, prescription-only drug, or prescription-only device to ensure that:
1. The container label and contents comply with the prescription; and
 2. The patient is informed of the name of the controlled substance, prescription-only drug, or prescription-only device, directions for use, precautions, and storage requirements.
- C.** A physician shall purchase all dispensed controlled substances, prescription-only drugs, or prescription-only devices from a manufacturer or distributor approved by the United States Food and Drug Administration, or a pharmacy holding a current permit from the Arizona Board of Pharmacy.
- D.** The person who prepares a controlled substance, prescription-only drug, or prescription-only device for dispensing shall countersign and date the original prescription form for the controlled substance, prescription-only drug, or prescription-only device.

R4-38-205. Repeated Prescribing and Dispensing Requirements for Homeopathic Remedies or Natural Substances

- A.** A physician shall record on the patient's medical record the name, strength, dosage, and form, of the homeopathic remedy or natural substance, the quantity or volume dispensed, the date the homeopathic remedy or natural substance is dispensed, the medical reasons for dispensing the homeopathic remedy or natural substance, and the number of refills authorized.
- B.** Before dispensing a homeopathic remedy or natural substance to a patient, a physician shall review the prepared homeopathic remedy or natural substance to ensure that:
1. The container label and contents comply with the prescription; and
 2. The patient is informed of the name of the homeopathic remedy or natural substance, directions for use, precautions, and storage requirements.
- C.** The person who prepares a homeopathic remedy or natural substance for dispensing shall countersign and date the patient's medical record.

R4-38-206. Packaging

In addition to the requirements of A.R.S. § 32-2951, a dispensing homeopathic physician shall dispense a controlled substance or prescription-only pharmaceutical drug in a light-resistant container with a consumer safety cap, unless the patient or patient's representative and the physician agree otherwise. This Section does not apply to homeopathic medications or natural substances.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

**CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ARIZONA LONG-TERM CARE SYSTEM**

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1092.) The Governor's Office authorized the notice to proceed through the rulemaking process on March 22, 2012.

[R12-62]

PREAMBLE

- | | |
|---|--|
| 1. <u>Article, Part, or Section Affected (as applicable)</u>
R9-28-508 | <u>Rulemaking Action</u>
Amend |
| 2. <u>Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):</u> | |
| Authorizing statute: A.R.S. § 36-2951 | |
| Implementing statute: A.R.S. § 36-2951 | |

Notices of Proposed Rulemaking

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 18 A.A.R. 1079, May 11, 2012 (*in this issue*)

4. The agency's contact person who can answer questions about the rulemaking:

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson St., Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

A.R.S. § 36-2951 authorizes the Administration to provide requirements for Self-Directed Attendant Care (SDAC) services. The Administration is proposing a revision to the rule language describing the administration of insulin. An Attendant Care Worker may provide insulin and is not limited to only providing the insulin when using a sliding scale.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

A study was not referenced or relied upon when revising the regulations for the SDAC services.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Administration anticipates a minimal economic impact on the implementing agency, small businesses and consumers. Other attendant care options are available to the member in addition to the Self-Directed Attendant Care services described in the rule.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson St., Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Proposed rule language will be available on the AHCCCS web site www.azahcccs.gov the week of April 23, 2012. Please send written or e-mail comments to the above address by the close of the comment period, 5:00 p.m., June 11, 2012.

Date: June 11, 2012
Time: 10:00 a.m.
Location: AHCCCS
701 E. Jefferson St.
Phoenix, AZ 85034
Nature: Public Hearing

Notices of Proposed Rulemaking

Date: June 11, 2012
Time: 10:00 a.m.
Location: ALTCS: Arizona Long-term Care System
1010 N. Finance Center Drive, Suite 201
Tucson, AZ 85710
Nature: Public Hearing

Date: June 11, 2012
Time: 10:00 a.m.
Location: 2717 N. 4th St., Suite 130
Flagstaff, AZ 86004
Nature: Public Hearing

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

No other matters have been prescribed.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ARIZONA LONG-TERM CARE SYSTEM**

ARTICLE 5. PROGRAM CONTRACTOR AND PROVIDER STANDARDS

Section

R9-28-508. Self-Directed Attendant Care (SDAC)

ARTICLE 5. PROGRAM CONTRACTOR AND PROVIDER STANDARDS

R9-28-508. Self-Directed Attendant Care (SDAC)

A. For purposes of this Article the following terms are defined:

"Competent member" means a person who is oriented, exhibits evidence of logical thought, and can provide directions.

"Fiscal and Employer Agent" or "FEA" is a company specified by the program contractor or the Administration in contract to serve as an employment/payroll processing center for attendant care workers employed by the member to provide SDAC services.

"Medically stable" means the member's skilled-care medical needs are routine and not subject to frequent change because of health issues.

"Personal care" means activities of daily life such as dressing, bathing, eating and mobility.

B. In lieu of receiving other attendant care services a competent member who meets the requirements of A.R.S. § 36-2951 or the member's legal guardian may choose to employ through the FEA a person to provide Self-Directed Attendant Care (SDAC) services. A paid caregiver described under R9-28-506 and a parent of a minor child shall not receive reimbursement for SDAC services.

C. The attendant care worker chosen to provide SDAC services does not need to be a registered provider. The attendant care worker shall have, at a minimum, hands on training in First Aid, CPR, Universal Precautions, and state and federal laws

Notices of Proposed Rulemaking

regarding privacy of health information or training of similar efficacy as approved by the Administration.

- D.** The Administration or Program Contractor shall cover SDAC services only if the member resides in the member's home, and shall not cover SDAC services if the member is institutionalized or residing in an alternative residential setting. If the member has a legal guardian, the legal guardian shall be present when SDAC services are provided.
- E.** A member who chooses to receive SDAC services is not precluded from receiving medically necessary, cost-effective home health services from other agencies or providers if the services provided are not duplicative of the specific attendant care or skilled service already received through the program contractor.
- F.** A competent member or legal guardian may employ an SDAC attendant care worker to provide personal care, homemaker and general supervision services.
- G.** A competent member, who is medically stable, or the member's legal guardian may employ an attendant care worker to also provide the following skilled services:
 - 1. Bowel care, including suppositories, enemas, manual evacuation, and digital stimulation;
 - 2. Bladder catheterizations (non-indwelling) that do not require a sterile procedure;
 - 3. Wound care (non-sterile);
 - 4. Glucose monitoring;
 - 5. Glucagon as directed by the health care provider;
 - 6. Insulin by subcutaneous injection only if the member is not able to self-inject ~~and the attendant care worker uses a sliding scale dosing for insulin;~~
 - 7. Permanent gastrostomy tube feeding; and
 - 8. Additional services requested in writing with the approval of the Director and the Arizona State Board of Nursing.
- H.** The Administration or program contractor shall not cover services under ~~this Section~~ subsection (G) unless:
 - 1. For each SDAC attendant care worker employed by a member or legal guardian, a registered nurse licensed under A.R.S. Title 32, Chapter 15 visits the member and SDAC attendant care worker before a skilled service is provided. The registered nurse will assess, educate, and train the member and SDAC attendant care worker regarding the specific skilled service that the member requires; and
 - 2. The registered nurse determines in writing that the attendant care worker understands how and demonstrates the skill to perform the processes or procedures required to provide the specific skilled service.